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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,367	08/27/2003	Takayuki Iida	Q77076	3701

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
NGUYEN, KHAI MINH	

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/648,367	IIDA, TAKAYUKI	
	Examiner	Art Unit	
	Khai M. Nguyen	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-9,11-15 and 17-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-9,11-15,and 17-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-9, 11-15 and 17-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7-9, 21-23, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Parulski et al. (U.S.Pat-6573927).

Regarding claim 7, Parulski teaches a printing system comprising:

an image server (service provider 14 (included Image "album" storage)) connected to at least one wireless communication means for carrying out data communication via a wireless communication network with an imaging apparatus having communication means for sending image data obtained by capturing means to the wireless communication network via a wired communication line (col.4, line 9 to col.5, line 4), for storing said image data sent from the wireless communication means (14 (included image "album" storage 52), col.4, line 9 to col.5, line 4); and

a mini-laboratory (service provider 14) for generating printed matter based on said image data stored in the image server (col.4, line 9 to col.5, line 4).

Regarding claim 8, Paruski further teaches wherein the printing system is installed in a DPE store (fig.1B).

Regarding claim 9, Paruski further teaches wherein the wired communication line is an ADSL (col.4, line 9 to col.5, line 4 (AOL, Earthlink, Eznet)).

Regarding claim 21, Parulski teaches a printing system comprising:

an image server (service provider 14 (included Image "album" storage)) connected to at least one wireless communication equipment which carries out data communication via a wireless communication network (col.4, line 9 to col.5, line 4) with an imaging apparatus having a communication unit which sends image data obtained by an image capturing unit to the wireless communication network via a wired communication line (col.4, line 9 to col.5, line 4), for storing said image data sent from the wireless communication equipment (14 (included image "album" storage 52), col.4, line 9 to col.5, line 4); and

a mini-laboratory (service provider 14) for generating printed matter based on said image data stored in the image server.

Regarding claim 22 is rejected with the same set forth in claim 8.

Regarding claim 23 is rejected with the same set forth in claim 9.

Regarding claim 28, Parulski teaches a printing system, comprising:

an image server (service provider 14 (included Image "album" storage)) means connected to at least one wireless communication means for carrying out data

communication via a wireless communication network (col.4, line 9 to col.5, line 4) with an imaging apparatus having communication means for sending image data obtained by capturing means to the wireless communication network via the wired communication line (col.4, line 9 to col.5, line 4), for storing said image data sent from the wireless communication means (14 (included image "album" storage 52), col.4, line 9 to col.5, line 4); and

a means for generating printed matter based on said image data stored in the image server means (14 (included image "album" storage 52), col.4, line 9 to col.5, line 4).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-6, 11-15, 17-20, 24-27, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein et al. (U.S. Pat-6943909 in view of Sakabe (U.S. Pat-5722076), and further in view of Parulski et al. (U.S.Pat-6573927).

Regarding claim 1, Goldstein teaches a wireless communication apparatus 3(image pump 120) comprising:

wireless communication means (Figure 2,210) for carrying out data communication via a wireless communication network (Id.) with an imaging apparatus

(digital camera 110) having communication means (the antenna of element 110) for sending image data (column 3, lines 50 to 57) obtained by capturing means (Id.) to the wireless communication network (210 and element 120); and

temporary storage for temporarily storing (image pump 120 (image buffer)) said image data sent from the imaging apparatus (camera 110) and for coordinating the difference in communication speed between wired and wireless communications (no show)

wherein said wireless communication means (image pump 120) are connected via a wired communication line (Figure 3, 320 or 330) to a printing system (Photography Service Provider 130) for carrying out printing processing on said image data (service provider 130) (abstract).

Goldstein fails to specifically disclose temporary storage for temporarily storing said data and for coordinating the difference in communication speed between wired and wireless communications. However, Sakabe teaches temporary storage for temporarily storing said data (fig.2, col.4, line 41 to col.21) and for coordinating the difference in communication speed between wired and wireless communications (fig.2, col.4, line 41 to col.21). Therefore, it would have been obvious to one having ordinary skill in art at the time the invention was made to apply the teaching of Sakabe to Goldstein to provide a method for controlling the data load condition and monitoring the data load.

Goldstein and Sakabe fail to specifically disclose wherein the printing system comprises: an image server connected to the wireless communication apparatus via the

wired communication line, for storing said image data sent from the wireless communication apparatus; and a mini-laboratory for generating printed matter based on said image data stored in the image server. However, Parulski teaches wherein the printing system comprises: an image server (14 (included image "album" storage 52)) connected to the wireless communication apparatus via the wired communication line (col.4, line 9 to col.5, line 4), for storing said image data sent from the wireless communication apparatus (14 (included image "album" storage 52), col.4, line 9 to col.5, line 4); and a mini-laboratory (14) for generating printed matter based on said image data stored in the image server (col.4, line 9 to col.5, line 4). Therefore, it would have been obvious to one having ordinary skill in art at the time the invention was made to apply the teaching of Paruski to Sakabe and Goldstein to provide a method for sending print images by wireless communication.

Regarding claim 15, Goldstein teaches a wireless communication apparatus (image pump 120) comprising:

wireless communication equipment (Figure 2, 210) which carries out data communication via a wireless communication network (Id.) with an imaging apparatus (digital camera 110) having a communication unit (the antenna of element 110) which sends image data (column 3, lines 50 to 57) obtained by an image capturing unit (Id.) to the wireless communication network (210 and element 120); and

a temporary (no show) memory (image pump 120) which temporarily (no show) stores said image data sent from the imaging apparatus (camera 110),

wherein the wireless communication equipment (image pump 120) is connected

via a wired communication line (Figure 3, 320 or 330) to a printing system (Photograph Service Provider 130) for carrying out printing processing on said image data (abstract).

Goldstein fails to specifically temporary memory which stores said data. However, Sakabe teaches temporary memory which stores said data (fig.2, col.4, line 41 to col.21). Therefore, it would have been obvious to one having ordinary skill in art at the time the invention was made to apply the teaching of Sakabe to Goldstein to provide a method for controlling the data load condition and monitoring the data load.

Goldstein and Sakabe fail to specifically disclose wherein the printing system comprises: an image server connected to the wireless communication apparatus via the wired communication line, for storing said image data sent from the wireless communication apparatus; and a mini-laboratory for generating printed matter based on said image data stored in the image server. However, Parulski teaches wherein the printing system comprises: an image server (14 (included image "album" storage 52)) connected to the wireless communication apparatus via the wired communication line (col.4, line 9 to col.5, line 4), for storing said image data sent from the wireless communication apparatus (14 (included image "album" storage 52), col.4, line 9 to col.5, line 4); and a mini-laboratory (14) for generating printed matter based on said image data stored in the image server (col.4, line 9 to col.5, line 4). Therefore, it would have been obvious to one having ordinary skill in art at the time the invention was made to apply the teaching of Paruski to Sakabe and Goldstein to provide a method for sending print images by wireless communication.

Regarding claims 3 and 17, Sakabe, Goldstein and Paruski further teach wherein the printing system is installed in a DPE store (see Paruski, fig.1B).

Regarding claims 4 and ~~26~~ 18, Sakabe, Goldstein and Paruski further teach wherein the wired communication line is an ADSL (see Paruski, col.4, line 9 to col.5, line 4 (AOL, Earthlink, Eznet)).

Regarding claims 5 and 19, Sakabe, Goldstein and Paruski further teach wherein the communication means of the imaging apparatus is installed in a communication chip (see Paruski, fig.1A, 29 micro).

Regarding claims 6 and 20, Sakabe, Goldstein and Paruski further teach wherein the imaging apparatus sends order information representing the content of a printing order regarding said image data, together with said image data (see Goldstein, column 5, lines 28 to 35).

Regarding claims 11 and 24, Sakabe, Goldstein and Paruski further teach wherein the communication means of the imaging apparatus is installed in a communication chip (see Paruski, col.4, line 9 to col.5, line 4).

Regarding claims 12, 25, and 29, Sakabe, Goldstein and Paruski further teach said imaging apparatus including a device for selecting a printing format for said image data prior to output to the wireless communication network (see Goldstein, column 5, lines 28 to 35).

Regarding claims 13 and 26, Sakabe, Goldstein and Paruski further teach wherein the wireless communication means connects to the temporary storage means (see Goldstein, Figure 2).

Regarding claims 14 and 27, Sakabe, Goldstein and Paruski further teach wherein the temporary storage means are upstream from the wired communication line (see Goldstein, Figure 3).

Regarding claim 30, Sakabe, Goldstein and Paruski further teach the wireless communication apparatus according to claim 1, wherein the temporary: storage means automatically coordinates the difference in communication speed between wired and wireless communications (see Sakabe, fig.2, col.4, line 41 to col.21).

Regarding claim 31, Sakabe, Goldstein and Paruski further teach the wireless communication apparatus according to claim 1, wherein the temporary storage means sends the image data to the printing system and deletes the image data after sending the image data to the printing system (see Sakabe, fig.2, col.4, line 41 to col.21).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571.272.7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khai Nguyen
Au: 2617

Rafael Perez-Gutierrez
Supervisory Patent Examiner
Technology Center 2600
Art Unit 2617
9/4/07

8/30/2007